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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,691	09/04/2003	Shirley M. Pennebaker	14060/278088	8578

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EXAMINER	
SHAH, PARAS D	
ART UNIT	**PAPER NUMBER**
2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/656,691	PENNEBAKER, SHIRLEY M.	
	Examiner	Art Unit	
	Paras Shah	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/21/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the Application filed on 09/04/2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claim 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross *et al.* (US 5,147,205, 09/15/1992) in view of Wasowicz (US 6,755,657, 06/29/2004).

As to claim 1, Gross *et al.* discloses a method for improving language processing skills of a user, comprising: responding to a display of visual flash stimuli during an activity: providing the activity by: displaying a series of visual flash stimuli (see Abstract), to the user first series of visual flash stimuli comprising pairs of words (see col. 7, line 56-57); a second series of flash stimuli comprising pairs of phrases (see col.

7, line 56-57); (e.g. It should be noted that a series of one or more words are phrases, which in the reference is defined as multiple words); and once the activity is completed proceeding to other mental exercises (see Figure 33) (e.g. The activity changes from spelling to vocabulary). However, Gross *et al.* does not specifically disclose the activity being a warm-up activity, the verbalization of the words, and the use of rhyming words. Wasowicz does disclose the use of verbalizing words (see Fig. 19 A, element 556 and element 558, and col. 27, line 5-6) (e.g. The speech recognition engine is a means for a verbal input) and using rhyming words (see col. 18, line 34-35) for display to a user. It would have been obvious to one of ordinary skilled in the art to have combined the visual flash stimulus presenter as presented by Gross *et al.* by the use of rhyming words and verbalization presented by Wasowicz. The motivation to have combined the two references is to allow individuals to improve spelling and reading skills (see Wasowicz, col. 3, lines 28-35).

As to claim 7, Gross *et al.* discloses wherein the other mental exercises include word flash exercises (see col. 6, line 57-58). Gross *et al.* does not specifically disclose the use of letter flash exercises. However, the use of words could include letters. It would have been obvious to one of ordinary skilled in the art to have also included letter flash exercises is to allow the user to pay attention and test their recall capabilities (see col. 2, lines 35-45).

5. Claims 2-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross *et al.* and Wasowicz as applied to claim 1 above, and further in view of Budra *et al.* (US 6,986,663, 01/17/2006).

As to claims 2 and 5, it is noted that both Gross *et al.* and Wasowicz do not specifically disclose the display of a first word on one side and a second word on the other side of the display screen. However, Budra *et al.* does disclose the displaying of a word on one side (see Figure 17, element 1714) and displaying the second on another side of the screen (see Figure 17, element 1715), which rhymes with the first word (see col. 12, line 56-58). (e.g. It should be noted that the phrase input mentioned by Gross *et al.* would be displayed in a manner described by Budra *et al.* It would have been obvious to one of ordinary skilled in the art to have combined the method by Gross *et al.* and Wasowicz by the method presented by Budra *e al.* The motivation to have combined these references involves the individual's knowledge of rhymes (see Abstract).

As to claims 3 and 6, Wasowicz discloses wherein the user verbalizes words (see col. 26, lines 60-61 and col. 27, line 5-6). (e.g. It is apparent if rhyming words are used then the individual could verbalize or spell out each of the words to disassociate between the words.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross *et al.* and Wasowicz and Budra *et al.* as applied to claim 2 above, and further in view of Scripps Howard National Spelling Bee (May 2001).

It is noted that Gross *et al.* and Wasowicz and Budra *et al.* do not specifically disclose wherein the user verbalizes the first word, spells the first word, verbalizes the second word and then verbalizes the second word, spells the second word and verbalizes the second word again. Scripps Howard National Spelling Bee discloses the

verbalizing of a word, spelling of a word, and the verbalizing of the word again (see bullet 5). It is apparent that the incorporation of another word, such as a rhyme word can also be recited according to the process described by Scripps Howard National Spelling Bee. It would have been obvious to one of ordinary skilled in the art to have combined the methods for improving language processing presented by Gross *et al.* and Wasowicz and Budra *et al.* to the recitation of the word presented by Scripps Howard National Spelling Bee. The motivation to have combined the two references involves pronunciation and spelling test to the user (see bullet 5) (e.g. It is inherent that the verbalizing of a word and spelling of a word will help aide in pronunciation and spelling).

7. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross *et al.* (US 5,147,205, 09/15/1992) in view of Pott *et al.* (US 3,744,154, 07/10/1973).

As to claims 8 and 10, Gross *et al.* discloses the method of processing symbol processing skills comprising: providing a eye movement activity words (see col. 7, line 56-57 and see Figure 24) (e.g. It is seen from the Applicant's definition of eye movement activity that this is the display of words or phrases) wherein a user responds to a display of visual flash stimuli (see Abstract) by a computer (see col. 7, line 55). Further, Gross *et al.* discloses the use of a threshold for the flash activity based on user input (see Figure 40) (e.g. The figure shows the use of a threshold, where in this case all of the words have to be spelled correctly. Hence, the threshold is set to 100%. The applicant indicates the threshold be at least 90%, where 100% is included in the range

specified). Gross *et al.* discloses the supplying of a definition or the word along with the word (see Figure 25); and displaying each word along with a sentence (see Figure 35). However, Gross *et al.* does not specifically disclose the displaying of stimuli consisting of prefix, suffix and/or word roots. Pott *et al.* does disclose the method of processing symbol processing skills, comprising displaying visual stimuli during an activity by: displaying a first series of visual flash stimuli to the user consisting of prefix and suffix (see col. 3, line 62-63); displaying a second series of visual stimuli consisting of word roots (see col. 2, line 39-40); and displaying a third series of visual stimuli consisting of word prefixes, suffixes, and word roots (see col. 4, lines 1-5) (e.g. It is apparent that through various manipulations of prefix and suffix a word can be formulated. The prefix and suffix can be bend in reverse and then hidden in the back to show the root word alone and then combined to form a word). Further, the reference indicates the use of this method as a spelling method, which makes it inherent for verbalization. It would have been obvious to one of ordinary skilled in the art to have combined the method of spelling presented by Pott *et al.* to the use of flash activity on a computer and threshold success presented by Gross *et al.* The motivation to have combined the two includes the presentation of information in a paced learning, where an improvement on each skill advances them into the next skill (see Gross *et al.*, col. 5, lines 3-6).

As to claim 9, Gross *et al.* discloses the flash activity displaying four letters (see col. 7, line 56-57) (e.g. It is apparent the displaying of a word can consist of four letter words. The displaying of letters would also be done since it is inherent that words consist of letters, which can be displayed individually).

As to claim 11, Gross *et al.* discloses the wherein if the user does not reach a specific threshold then the user is directed to another activity and another flash activity (see Figure 31) (e.g. The user has not reached a specific threshold and is prompted to repeat the test of the drill).

As to claim 12, Gross *et al.* discloses the displaying of a definition on one side of the screen and the definition on the other side of the screen (see Figure 25) (e.g. The word is displayed on the top side of the screen and the definition on the bottom side of the screen).

8. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross *et al.* and Pott *et al.* as applied to claim 8 above, and further in view of Shpiro (US PGPub 2002/0115044, filed 01/10/2002).

As to claims 13 and 15, it is noted that both Gross *et al.* and Pott *et al.* do not specifically disclose the verbalizing of the word and definition or sentence, which are displayed. Shpiro discloses the verbalizing of a displayed phrase (see Figure 17, element 1702 and Figure 9, element 902) (e.g. The reference shows a method to input a user voice depending on what is instructed). It would have been obvious to one of ordinary skilled in the art to have combined the methods presented by Gross *et al.* and Pott *et al.* with the ability to verbalize certain words as described by Shpiro. The motivation to combine the two references involves the knowledge of an individual's pronunciation (see Shpiro, page 1, [0006], lines 7-9).

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross *et al.* and Pott *et al.* as applied to claim 8 above, and further in view of Murata *et al.* (US PGPub 2003/0074188).

It is noted that both Gross *et al.* and Pott *et al.* do not specifically disclose the displaying of a subject that includes the word on one side of a display screen and a predicate for the sentence on the other side for the display screen. Murata *et al.* discloses the displaying (see page 1, [0012], line 5-7) of a subject (see Figure 2A, element 10) that includes a word on one side of the display and a predicate display (see Figure 2A, element 20) on the other side of the. It would have been obvious to one of ordinary skilled in the art to have combined the methods presented by Gross *et al.* and Pott *et al.* with the subject and predicate display presented by Murata *et al.* The motivation to have combined the two references involves helping those individuals who have trouble in learning languages (see Murata *et al.*, page 1, [0007]).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The US 5,057,020 is cited to teach a method for teaching reading to a student. The US 6,535,853 is cited to teach a detecting method for spoken and written words for those with dyslexia. The US 6,146,146 is cited to teach an interactive learning device for children.

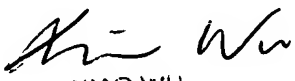
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paras Shah whose telephone number is (571)270-1650. The examiner can normally be reached on MON.-FRI. 7:30a.m.-5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571)272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

P.S.

1/30/2007



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